

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KRISTY LUND, as personal representative
of the ESTATE OF JOHN LUND,

No. 3:19-cv-02015-AR

Plaintiff, ORDER

v.

UNITED STATES OF AMERICA,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Armistead issued a Findings and Recommendation on December 7, 2022, in which he recommends that this Court grant Defendant's motion for summary judgment and deny as moot all other pending motions. F&R, ECF 52. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF No. 54. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Armistead's Findings and Recommendation [52]. Therefore, the Court GRANTS Defendant's Motion for Summary Judgment [38]. Any other pending motions are DENIED as MOOT.

IT IS SO ORDERED.

DATED: March 17, 2023.



MARCO A. HERNÁNDEZ
United States District Judge